

REMARKS/ARGUMENTS

Claims 1 and 2 are present in this application. By this Amendment, claims 1 and 2 have been amended, and claim 3 has been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-3 were rejected under 35 U.S.C. §112, first paragraph. Without conceding this rejection, claims 1 and 2 have been amended as suggested by the Examiner, which suggestions are noted with appreciation. Applicant thus submits that the rejections have been overcome. Withdrawal of the rejections is requested.

Claim 3 was objected to under 37 C.F.R. §1.75. Without conceding this objection, claim 3 has been canceled.

Claims 1-3 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,985,214 to Stylli et al. This rejection is respectfully traversed.

Without conceding the rejection, claim 1 has been amended to recite that, among other things, the specimen dispensing system includes master specimen containers containing a specimen disposed on each of the conveyor lanes, wherein a required number of empty slave specimen containers are aligned on the same conveyor lane as a respective one of the master specimen containers and are disposed behind the respective master specimen container. Claim 1 additionally recites that the master and slave specimen containers are aligned before and behind each other on the same conveyor lane in each of the conveyor lanes in the conveyance direction, where each specimen container is conveyed on the same conveyor lane so that the empty slave specimen container is conveyed behind the respective master specimen container. Support for the amendments to claim 1 can be found, for example, in the specification beginning at page 5, line 20 – page 8, line 11 and Figs. 1 and 2.

With this structure, as the slave specimen container is conveyed behind the master specimen container to the same position as the position in which the master specimen container is picked up with only movement in the conveyance direction due to the conveying means, removing and dispensing can be carried out at the same position (see Fig. 1). Therefore, as the movement (corresponding to R1X-R3X of Fig. 3) from the removing position of the master specimen container to the dispensing position of the slave specimen container can be omitted, the range of movement of the dispensing nozzle becomes smaller, movement time can be greatly shortened, and scattering of the specimen can be prevented. In the present application, the master specimen container and the slave specimen container are conveyed in a predetermined conveyance direction for every specimen container, and positioning for removing and dispensing can be carried out merely by movement in the conveyance direction of the conveying means.

The Stylii patent lacks at least the claimed positional relationship of the master specimen and the slave specimen. That is, Stylii lacks the master specimen and the slave specimen being conveyed before and behind each other in the conveyance direction on the same lane. In Stylii, rather, when the position with respect to the nozzle is set for removing and dispensing, a plate is moved in X and Y coordinates, and the position of a predetermined well is matched with the position of the nozzle. Thus, it is necessary to control movement of the well in two orthogonal directions (XY coordinates) including a direction other than the conveyance direction when positioning. As a consequence, a more complicated operation in multiple directions is needed. As noted, in the claimed invention, since the master specimen container and the slave specimen container are sequentially conveyed on the same lane in a conveyance direction, it is possible to omit positioning in a direction orthogonal thereto, and the operation is simplified.

Applicant thus respectfully submits that the rejection of claim 1 should be withdrawn.

With regard to dependent claim 2, Applicant submits that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-3 were further rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,599,476 to Watson et al. This rejection is respectfully traversed.

With reference to the discussion above, the Watson patent similarly lacks the noted features of the invention wherein the master specimen container and the slave specimen container are conveyed before and behind each other in a conveyance direction on the same lane. Rather, in the Watson patent, the secondary sample tubes 15, which are loaded from secondary sample tube hoppers 40 pass through a tube labeling arrangement having an automatic label printer and labeler 42. The labeler 42 applies labels to the secondary sample tubes 15 (see Fig. 6) with information corresponding to information associated with the primary specimen tubes 14. The secondary sample tubes are then filled with the samples aspirated from the primary specimen tubes 14 before being capped with laminated caps. The labeled and capped secondary sample tubes 15 are then transferred by a robotic arm to racks that are also placed in the distribution station 38. See, for example, Fig. 6C.

Applicant thus respectfully submits that the rejection of claim 1 should be withdrawn.

With regard to dependent claim 2, Applicant submits that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the

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application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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